

EVELYN ASWAD

**UNITED STATES CANDIDATE
FOR THE INTERNATIONAL
LAW COMMISSION**



THE SECRETARY OF STATE
WASHINGTON

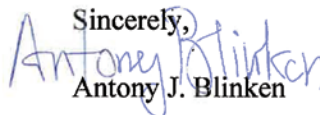
May 18, 2021

I am pleased to inform you that the United States has nominated Professor Evelyn Aswad for election to the International Law Commission. Professor Aswad is an esteemed scholar of international law who has extensive experience in multilateral and governmental settings. I seek your support for her election this fall to the Commission.

Professor Aswad holds the Herman G. Kaiser Chair in International Law at the University of Oklahoma College of Law, where she also serves as Director of the Center for International Business and Human Rights. She is also currently a member of the Council on Foreign Relations and the American Law Institute.

In addition to her academic work, Professor Aswad has significant experience in multilateral and government settings. Professor Aswad served as the alternate U.S. member on the Venice Commission of the Council of Europe (2013–2017). From 1999–2013, she served in the Office of the Legal Adviser for the U.S. Department of State, including as the head of the Legal Adviser's Office for Human Rights and Refugees and as the legal adviser to U.S. delegations to multiple UN bodies and multilateral negotiations. She has served on the Department's Advisory Committee on International Law since 2013.

The United States deeply appreciates the work of the International Law Commission, which is of great significance to all who value the careful codification and progressive development of international law. Professor Aswad's extensive knowledge, experience, and dedication to the development of international law make her an outstanding choice for this important body. I strongly support her election, and I hope you will cast your vote for her this fall.

Sincerely,

Antony J. Blinken

EVELYN ASWAD CURRICULUM VITAE

HERMAN G. KAISER CHAIR IN INTERNATIONAL LAW UNIVERSITY OF OKLAHOMA COLLEGE OF LAW

Professor Evelyn Aswad is the Herman G. Kaiser Chair in International Law at the University of Oklahoma College of Law, where she also serves as the Director of the Center for International Business and Human Rights. Her scholarship focuses on the intersection of international human rights law, UN corporate responsibility standards, and freedom of expression. She is a recipient of the David Ross Boyd Professorship, which is one of the university's highest honors.

Professor Aswad is a member of the Council on Foreign Relations and the American Law Institute. She serves on the U.S. Department of State's Advisory Committee on International Law as well as the Department's Stakeholder Advisory Board to the Advisory Committee on International Economic Policy. She previously served as the U.S.-appointed alternate member of the Council of Europe's Commission for Democracy through Law (the Venice Commission) (2013-2017), and as a U.S.-appointed expert for the Organization for Security and Cooperation in Europe's (OSCE) Human Dimension Mechanism (2016-2019). Professor Aswad also currently serves on the Oversight Board, which reviews certain content decisions made by Facebook.

Prior to joining the College of Law, Professor Aswad served for almost 14 years as an attorney in the Office of the Legal Adviser at the Department of State, most recently as the director for the Human Rights and Refugees Office. In this position, she advised senior officials on a wide range of international human rights law matters, including mass atrocities and accountability; matters arising in multilateral fora, such as U.S. participation at the United Nation's (UN) Human Rights Council and its Universal Periodic Review process; the assessment of domestic and foreign laws and practices with respect to human rights obligations; issues at the intersection of international business and human rights; U.S. ratification of human rights treaties; human rights litigation in U.S. courts; and internet freedom.

While in this office, she also served as legal adviser for U.S. delegations in a variety of multilateral fora, including the UN Commission on the Status of Women, the Third Committee of the UN General Assembly, the UN Human Rights Council, the Organization of American States, the OSCE Annual Human Dimension Implementation meeting, and the delegation presenting the U.S. Periodic Report to the UN Committee on the Elimination of Racial Discrimination as well as the delegation presenting the first U.S. Universal Periodic Review report to the UN. The U.S. Department of State awarded her superior honor awards for advancing international human rights through bilateral and multilateral diplomacy.

In a previous legal position at the Department of State, she worked on nuclear non-proliferation matters providing legal advice on the Nuclear Non-Proliferation Treaty (NPT), various regional nuclear weapon free zone treaties, and nuclear safeguards agreements with the International Atomic Energy Agency (IAEA), including serving as legal adviser for U.S. delegations at IAEA and NPT meetings and conferences.

She taught international human rights law and multilateral negotiations skills to U.S. diplomats at the Department of State's Foreign Service Institute. In addition, she taught international courses as an adjunct professor at Georgetown's School of Foreign Service as well as its Law Center. Prior to joining the Department of State, she worked at the Washington, D.C. law firm of Arnold & Porter and clerked for the Honorable Arthur J. Gajarsa at the U.S. Court of Appeals for the Federal Circuit in Washington, D.C.

Professor Aswad graduated from the Georgetown University Law Center in 1995. She received her bachelor's degree from Georgetown University's School of Foreign Service in 1992.

Full curriculum vitae is below.

PROFESSIONAL EXPERIENCE

ACADEMIC

University of Oklahoma College of Law (2013-present)

Professor of Law & Herman G. Kaiser Chair in International Law (June 2013-present)

Director and Founder, Center for International Business & Human Rights (August 2016-present)

Program Lead, Online Master of Legal Studies in International Business Law (2018-present)

Supervisor, Diplomacy Lab Secretariat (2013-2016)

Courses: International Law Foundations, International Business & Human Rights and Human Rights Practicum

U.S. Department of State, Foreign Service Institute (2004-2012)

Lectured to diplomats on multilateral negotiations as well as international human rights issues.

Georgetown University Law Center (2008-2009)

Adjunct Professor

Course: Contemporary Peacekeeping: Legality, Legitimacy, & Accountability

Georgetown University School of Foreign Service (1999)

Adjunct Professor, International Business Diplomacy

Course: Intellectual Property at the Intersection of Law, Business, & International Affairs

GOVERNMENT SERVICE AND EXPERIENCE

U.S. Department of State, Office of the Legal Adviser (1999-2013)

Office of Human Rights & Refugees (2004-2013)

Assistant Legal Adviser for Human Rights & Refugees and Member of the Senior Executive Service (2010-2013) – As the director of the Legal Office for Human Rights & Refugees, advised senior State Department officials and managed a team of lawyers on a wide range of international human rights law matters, including mass atrocities and accountability; matters arising in multilateral fora, such as U.S. participation at the United Nation's (UN) Human Rights Council and its Universal Periodic Review process; the assessment of domestic and foreign laws and practices with respect to

human rights obligations; issues at the intersection of international business and human rights; U.S. ratification of human rights treaties; human rights litigation in U.S. courts; and internet freedom.

Attorney-Adviser (2004-2009) – Served as legal adviser for U.S. delegations at various multilateral human rights meetings, including the UN Commission on the Status of Women, the Third Committee of the UN General Assembly, the UN Human Rights Council, the Organization for Security and Cooperation in Europe's Annual Human Dimension Implementation Meeting, multiple negotiations at the Organization of American States (OAS), and the delegation presenting the U.S. periodic report to the UN Committee on the Elimination of Racial Discrimination in 2008. Gained extensive expertise in collaborative problem solving and negotiating in cross-cultural contexts in multilateral human rights fora. Provided legal advice to U.S. officials on a variety of international human rights issues, including freedom of expression, religious freedom, self-determination, indigenous peoples' issues, internet freedom matters, minority issues, business and human rights initiatives, genocide and other atrocities, and claims arising under the Alien Tort Claims Act and Torture Victims Protection Act.

Selected Awards: Recipient of five Department of State Superior Honor Awards in recognition of sustained extraordinary performance in bilateral and multilateral legal advocacy and diplomacy.

Office of Employment Law (2002-2004)

Attorney-Adviser – Provided legal advice regarding employment and labor rights of locally engaged staff at U.S. embassies throughout the world and defended claims brought against the Department.

Office of Non-Proliferation (1999-2002)

Attorney-Adviser – Provided legal advice on the Nuclear Non-Proliferation Treaty (NPT), various regional nuclear weapon free zone treaties, and certain nuclear safeguards agreements with the International Atomic Energy Agency (IAEA); served as legal adviser for U.S. delegations at IAEA and NPT meetings and conferences.

U.S. Department of State Advisory Committee on International Law (2013-present)

U.S. Department of State's Stakeholder Advisory Board to the Advisory Committee on International Economic Policy (2015-present)

U.S. Department of State Sub-Working Group on Religion and Conflict Mitigation (2014-2015)

OTHER PROFESSIONAL EXPERIENCE

Council of Europe Commission for Democracy Through Law (Venice Commission) (2013-2017)

Substitute U.S. Member, served as an independent expert and assessed consistency of domestic laws with UN and European standards.

External Advisory Committee for the High Level Panel of Legal Experts on Media Freedom (2019-present)

The High Level Panel was convened by the UK and Canadian governments to provide recommendations on promoting media freedom; the External Advisory Committee provides advice to the High Level Panel on various projects; the International Bar Association's Human Rights Institute serves as the Secretariat.

Oversight Board, Member (April 2020-present)

Appointed as one of twenty inaugural members of the Oversight Board, which issues binding views on Facebook's global content moderation decisions through the Board's appeals and referral procedure as well as provides policy recommendations to Facebook.

Global Network Initiative, Academic Member (2016-present)

Participating in the leading multi-stakeholder initiative to promote corporate respect for expression and privacy online.

Arizona State University's McCain Institute for Leadership: Democracy & Human Rights (DHR) Working Group (2017-present)

Organization for Security & Cooperation in Europe (OSCE) Human Dimension Mechanism, Expert (2016-2019)

U.S. Court of Appeals for the Federal Circuit, Washington, D.C. (1997-1999) Judicial Law Clerk for the Honorable Arthur J. Gajarsa

Drafted memoranda and opinions regarding intellectual property, international trade, government contract, tax, and other issues.

Arnold & Porter, Washington, D.C. (1995-1997) Associate, Corporate & Securities Practice Group

Advised on public and private offerings of securities primarily for internet and telecommunications companies as well as international licensing and joint venture projects; pursued asylum petition for victim of religious persecution from Sudan.

HONORS/AWARDS

- Member, Council on Foreign Relations (elected 2021)
- David Ross Boyd Professorship (one of the University of Oklahoma's highest honors, 2021)
- Member, American Law Institute (elected 2020)
- "Fifty Making A Difference" Awardee in Oklahoma *Journal Record's* Woman of the Year Awards (2019)
- World Experiences Foundation, Global Citizen in Law (2017)
- University-wide David L. Boren Global Engagement Award (2016)

PUBLICATIONS

E. Aswad, *Losing the Freedom to Be Human*, 52 COLUM. HUM. RTS. L. REV. 306 (2020).

E. Aswad, *To Protect Freedom of Expression, Why Not Steal Victory from the Jaws of Defeat?* 77 WASH. & LEE L. REV. 609 (2020).

E. Aswad, *In a World of "Fake News," What's a Social Media Company to Do?*, 2020 UTAH L. REV. 1009 (2020).

E. Aswad, *The Future of Freedom of Expression Online*, 17 DUKE L. & TECH. REV. 26 (2018).

E. Aswad, *Are Recent Governmental Initiatives to Combat Online Hate Speech, Extremism, and Fraudulent News Consistent with the International Human Rights Law Regime?* (GOVERNANCE INNOVATION FOR A CONNECTED WORLD: PROTECTING FREE EXPRESSION, DIVERSITY AND CIVIC ENGAGEMENT IN THE GLOBAL DIGITAL ECOSYSTEM - A Special Report by Stanford University's Global Digital Policy Incubator & the Center for International Governance Innovation) (2018).

E. Aswad, *INTERNATIONAL BUSINESS & HUMAN RIGHTS: A DIGITAL COURSEBOOK* (2017, revised 2020).

E. Aswad, *The Role of U.S. Technology Companies as Enforcers of Europe's New Internet Hate Speech Ban*, 1 COLUM. HUM. RTS. L. REV. ONLINE 1 (2016).

E. Aswad, *The Role of Religion in Constitutions Emerging from Arab Spring Revolutions*, 16.1 GEO. J. INT'L AFFAIRS 159 (Winter/Spring 2015).

E. Aswad, R. Hussain, & M. Suleman, *Why the United States Cannot Agree to Disagree on Blasphemy Laws*, 32 B.U. INT'L L. J. 119 (2014).

PUBLICATIONS (continued)

E. Aswad, *To Ban or Not to Ban Blasphemous Videos*, 44 GEO. J. INT'L L. J. 1313 (2013).

A. Gajarsa, E. Aswad, & J. Cianfrani, *How Much Fuel to Add to the Fire of Genius?* 48 AM. U. L. REV. 1205 (1999) (analyzing the repair/reconstruction doctrine in patent law).

E. Aswad, *Torture by Means of Rape*, 84 GEO. L. J. 1914 (1996) (cited favorably in three U.S. federal appellate decisions: 99 F.3d 954 (9th Cir. 1996), 395 F.3d 932 (9th Cir. 2002), and 333 F.3d 463 (3rd Cir. 2003)).

SELECTED SPEAKING ENGAGEMENTS AND MEETINGS OF EXPERTS

Social Media & the Language of Statehood, Webinar for the American Branch of the International Law Association (International Law Weekend – south region), April 2021

Are We Truly Free to Express Our Opinions?, The Better Human Podcast, January 2021 (served as the featured speaker discussing impacts of business models that deploy technology to collect and monetize personal data)

Chatham House Roundtable on Freedom of Opinion, December 2020 (participated as a featured panelist in a private roundtable on the intersection of freedom of opinion and technology)

Still Funny? Satire, Deepfakes, and Human Rights Globally, Webinar hosted by Witness, October 2020

Free Expression v. Misinformation Online: Who Decides?, Gallup and Knight Foundation Webinar, June 2020

Meet the New Facebook Oversight Board, Aspen Institute Webinar, May 2020

Return of the Gatekeepers: Section 230 and the Future of Online Speech, CATO Institute, Washington, DC, March 2020 (served as a speaker on a panel titled *The Future (and Past) of Content Moderation*)

American University Law Review Symposium on Law and Democracy, Washington, DC, January 2020 (served as a speaker on a panel focused on online political speech)

The State of the Net Conference, Washington, DC, January 2020 (served as a speaker on panel titled *Regulating Speech: Next Decade, Can We Do Better?*)

The Future of Speech Online Conference, Newseum, Washington, DC, November 2019 (served as a panelist discussing the utility of international human rights law for protecting online speech at a conference hosted by the Center for Democracy & Technology and others)

Tackling Cyber Disinformation in Elections: Applying International Human Rights Law, London, England, November 2019 (served as a panelist at a public discussion hosted by the Royal Institute of International Affairs, better known as Chatham House)

News, Disinformation, and Social Media Responsibility, Salt Lake City, Utah, October 2019 (served as a panelist discussing corporate responsibility with respect to disinformation online at the Utah Law Review's symposium)

Google's Combatting Misinformation Convenings, Mountain View, CA, June 2019 & July 2018 (discussion among experts at Google headquarters about fraudulent news online and ways forward)

Chatham House's Roundtable on Cyber Operations to Influence Voters, May 2019 (participated in a closed session roundtable by video to bring American perspective to a discussion among European scholars and experts)

Social Media Councils: From Concept to Reality, Working Meeting hosted by Stanford University's Global Digital Policy Incubator, Article 19, and the UN Special Rapporteur on Freedom of Expression, Palo Alto, CA, February 2019 (served as lead commentator for session on substantive standards for content moderation)

Seventy Years Later: The Relevance of the Universal Declaration on Human Rights in International Business Operations, United Nations Association of Oklahoma City, Oklahoma City, OK, November 2018 (keynote speaker for annual meeting)

Ministerial to Advance Religious Freedom, U.S. Department of State, Washington, DC, July 2018 (served as a panelist discussing ways civil society can work with the UN's human rights machinery to promote religious freedom throughout the world)

The Global Digital Platform and the Nation State: Roles, Responsibilities, and Interactions to Optimize Human Rights in the Digital Space, RightsCon, Toronto, Canada, May 2018 (served as a panelist discussing the role of international freedom of expression protections with respect to online speech; panel was organized by the Executive Director of Stanford's Global Digital Policy Incubator)

Governance Innovation for a Connected World, International Working Meeting, Stanford University Global Digital Policy Incubator, Palo Alto, CA, March 2018 (served as a panelist discussing the application of international freedom of expression standards online)

Tulsa Committee on Foreign Relations, Tulsa, OK, January 2018 (featured speaker for a gathering of over 100 members on the topic of international business and human rights)

SELECTED SPEAKING ENGAGEMENTS AND MEETINGS OF EXPERTS (continued)

Notre Dame Law School Launch of New Human Rights Database, Notre Dame, Indiana, April 2017 (roundtable discussion on human rights challenges)

Law, Borders, and Speech Conference, Stanford University Center for Internet and Society, Palo Alto, CA, October 2016 (served as a speaker on a panel discussion during the closed session portion of the conference)

Freedom Online Coalition Annual Meeting, San Jose, Costa Rica, October 2016 (served as a speaker on a panel discussion organized by the U.S. and German governments on hate speech and harassment online)

Chatham House Meeting of Western and Chinese Human Rights Scholars, Geneva, Switzerland, March 2016 (presentation analyzing Europe's "right to be forgotten" and international freedom of expression standards)

Freedom of Expression Challenges, University of California, Irvine, CA, January 2016 (experts meeting convened by the UN Special Rapporteur on Freedom of Expression)

Columbia Law School Human Rights Institute Annual Training, New York, NY, April 2014 (presentation on the significance of U.S. ratification of the UN Convention on the Elimination of Racial Discrimination)

The Future of the Inter-American System, Notre Dame Law School, Notre Dame, Indiana, April 2014 experts meeting convened by the Center for Civil and Human Rights

The Organization of Islamic Cooperation's Human Rights Commission, Copenhagen, Denmark, September 2013 (experts meeting convened by the Danish Institute for Human Rights)

UN Human Rights Council Resolution 16/18 Implementation Meeting, Geneva, Switzerland, June 2013 (presentation to UN member states on legal protections for freedom of expression in the International Covenant on Civil and Political Rights)

The Next Season: Realigning International Law and Western Policy After the Arab Spring, Boston University Law School Symposium, Boston, MA, March 2013 (delivered keynote address on issues of freedom of expression, freedom of religion, and religious tolerance)

Columbia Law School Human Rights Institute Annual Training, New York, NY, March 2012 (presentation on the significance of U.S. ratification of the International Covenant on Civil and Political Rights)

EDUCATION

Georgetown University Law Center, Washington, D.C.
Juris Doctor, magna cum laude, May 1995

Law Review: *The Georgetown Law Journal*,
Articles Editor

Honors: Order of the Coif

Clinic: Center for Applied Legal Studies

**Georgetown University School of Foreign Service,
Washington, D.C.**
Bachelor of Science, summa cum laude, May 1992

Major: International Economics

Honors: Scholars Program: Power & Justice in the
International System

Graduation Speaker at Tropaia Ceremony

Study Abroad: University of Florence Law School,
Florence, Italy (European Community
Law, International Organizations, &
Public International Law)

LANGUAGES

Fluent in French and Italian